

## **District II Advisory Board Minutes**

**May 5, 2008**

[www.wichita.gov](http://www.wichita.gov)

The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9<sup>th</sup> Street North. CM Schlapp was in attendance, (9) board members attended, (6) staff and approximately (99) citizens were in attendance. Only those individuals who signed in are listed as guests below.

### **Members Present**

Joe Johnson  
Max Weddle  
Marty Weeks  
Sarah Devries  
Phil Ryan  
Tim Goodpasture  
Larry Frutiger  
Daryl Crotts  
David Mollhagen  
Nick Pompeo – Youth Member  
Sam Jones – Youth Member

### **Members Absent**

Aaron Mayes

Brian Carduff

### **Staff Present**

Antione Sherfield, Neighborhood Assistant  
Bill Longnecker - OPlanning  
Dale Miller - Planning  
Chief Ron D. Blackwell  
Kurt Schreoder - OCI  
Tim Martz – Parks and Recreation  
Officer Bogle – Patrol East

### **Guests**

Listed below

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. DAB members did introductions. CM Schlapp welcomed everyone and explained how the DAB meeting is conducted. She advised that Chairman Joe Johnson runs the meeting as she likes to get feedback from her board on issues brought before them and feels that this is the best manner to receive that information. CM Schlapp also stated that she would take over the meeting when we approached a certain topic due to a potential conflict of interest.

### **APPROVAL OF MINUTES AND AGENDA**

The meeting agenda for May was approved (9-0)

The meeting minutes for March were approved (9-0)

The meeting minutes for April were approved (9-0)

### **STAFF REPORT**

#### **1. Community Police Report**

**Officer John Bogle** provided information pertaining to current crime trends in District II. Officer Bogle spoke about compliance checks at local drinking establishments to monitor underage drinking. There were (80) checks conducted and (14) businesses cited for allowing underage drinking. He also spoke about the renovation project at Towne East Mall. The project is scheduled to be completed sometime in 2009. He also stated that there will be traffic enforcement in that area.

**Recommended Action: Receive and file.**

**2. Office of Central Inspection**

**Kurt Schroeder, OCI** provided presentation on Neighborhood Nuisance Enforcement Code Amendments. **Kurt** stated that the proposed changes will be going before the City Council in the very near future. **Kurt** made notice of coming before the DAB last fall in reference to OCI taking over some of the duties for the Environmental Services Department. Some of those duties include premise codes enforcement issues such as junk cars, high weeds, debris, ect. The reason for this change is to allow individuals the opportunity to make one phone call to have these private property issues resolved. Kurt also spoke of changes to the Neighborhood Nuisance Code – Title (8) that provides those definitions which outlines the authorities. There will be penalties for repeat offenders.

**Kurt** stated that there were no changes necessary for the Graffiti Ordinance because of the combination of services. One of the things in that Ordinance is it has a specific letter that sounds very authoritative for people that have victimized properties. Finally, there is a Traffic Ordinance that will prevent people from parking across sidewalks and front yards. Police will be issuing tickets for this type of behavior.

**CM Schlapp** inquired about if the Smoke Ban passes who would be responsible for enforcing. **Kurt** stated that if he would have to guess it would probably be the Police Department.

**Recommended Action: Receive and file.**

**3. Z CON2008-00018**

**Bill Longnecker, Planning Department** presented information in reference to City Conditional Use for Day Care, general, on property zoned “SF-5” Single-family Residential. **Bill** stated that the applicants are requesting a Conditional Use to operate a day care, general. The applicants proposed to build an approximately 20,000-square foot, two-story building for a day care that will house 150 preschool aged children at any one time. The building will be separate from the existing approximately 40,000-square foot Saint Stephen’s Episcopal Church. The church owned 5.94-acre site, Block E, Third Addition to Woodlawn Village, is zoned SF-5 Single-family Residential (“SF-5”). A church is permitted by right in the SF-5 zoning district. A day care, general (Unified Zoning Code, UZC, Art II, Sec II-B., 4a & b) is an establishment that allows for the care, protection and supervision of more than 10 individuals at one time on a regular bases away from their primary residence for less than 24 hours per day. A day care, general can be considered as a Conditional Use in the SF-5 zoning district.

The proposed 20,000-square foot day care’s operation schedule is year round, Monday-Friday, 7:15 AM to 6 PM, with the facility open to all preschool children, ages 22-months to six-years. Besides the maximum 150 children on site at any one time, there

will also be 25-30 staff members present at any one time. During the summer months, June to mid-August, the day care operates at approximately 60% of its 150 child capacity. The site plan shows three (3) playground areas, one located south of the proposed facility and the other two located between the proposed facility and the church. The proposed areas for the playgrounds are located within 120 feet (south across Killarney Place) to 250 feet (west across north to south drainage right-of-ways, "ROWS") from the nearest lots with single-family residences

**Susue Stallings, 14435 E. 9<sup>th</sup> Street** asked Bill Longnecker if his recommendation was based on the roads. **Bill** stated that staff has very little disgression in this matter. You have to have the appropriate type of roads to support this type of request. **Dene Nelson, Director of Discovery Place** inquired about the staff's reasonable expectation for the use of the land. **Bill** stated reasonable expectation comes about with the size of the lot. It is a 5.9 acre private lot. **Bill** stated that the size of the lot gives it reasonable expectation. **Emily McVaugh, 726 Brookfield**, asked Bill about his statement pertaining to reconsidering different options if other things were changed. **Bill** stated that looking at the zoning of the lot, if they decided to put a school there we would not be here today. **Tim Goodpasture, DAB Member** asked what differentiates a School from a Daycare. **Bill** stated recognition from the State. **Sarah Devries, DAB Member** asked if there were any other Churches doing this. **Bill** stated that yes it is common for Churches to have Daycare Centers inside them, but most of those Churches are located on Arterial or Collector Streets. **Raphael Fazio, 726 Doreen** inquired about the statement made about the ability to have a School on the property and can they hire a third party to provide school services. **Bill** stated that a "school is a school"; it doesn't matter as long as it is accredited. **Dene Nelson** stated that preschool for (3) hours do not have to have a Conditional Use Permit. She also stated that if they were to use this site as Preschool only, this would make the traffic situation far worst. **Cliff Farha**, asked what the distinction is between a Daycare and Preschool. **Bill** stated that the distinction is how the Daycare is defined in the Zoning Code. **Jane Link, 520 Stratford**, asked Bill about his recommendation. **Bill** stated that if a recommendation has merit, the Planning Department will give the option to the MAPC for approval. **Bill** also stated that Staff's recommendation is **denial** based on the fact that it does not meet the location criteria for this type of use.

**Father Muse, St. Stephens Episcopal Church**, stated that the Episcopal Church has a commitment to educating children. He also stated that the Church is not interested in this venture for financial reasons. He also stated they have the available space and what better way to combine resources and provide great gift to the neighborhood. **Tom Zeiker** asked if this use would take up the entire 5.9 acres. **Bill** stated that the Church has a concept plan where they show the Church, Daycare, and an area on the North of the Church to be used for Spiritual/Meditation purposes. **Karen Norton** stated she has been a member of the Church since 1974. She spoke of the different perceptions from both sides. She stated that having the Discovery Place in close proximity would eliminate individuals having to drive clear across town and would allow people to save on gas. **Raphael Fazio** stated that this idea is a bad idea. He stated that the Daycare would significantly impact the neighborhood. He stated this project would increase the traffic in the neighborhood. He also stated that the neighborhood children would not be safe or the individuals that walk in the mornings or evenings. **Laura Larson** stated that this boils down to a traffic issue. She inquired about having people drive on certain streets and dispersing at certain times to curtail the traffic issue. **Jack Fieden** stated it is

a shame the community has been labeled “church burners” and “children haters”. He has lived on Killarney Street since 1972. He stated his main issue is the increased traffic and safety of residents. **Connie McClain** stated she is saddened by the many actions of her neighbors. She also stated she is a retired Real Estate Agent who has sold many homes in Woodlawn Village and the neighborhood would benefit from the Discovery Place if allowed. **Dan Engle**, provided (112) signatures of individuals who live in the area which will be most affected. **Emily McVaugh** stated her children attend Discovery Place and there is no other school like Discovery Place. She also stated that having Discovery Place close by will only be an asset to the area. **Randy Shaffer** states he lives directly across the street from the potential site of the Daycare. He also pointed out that this has nothing to do with the Church. He stated that this is about putting a commercial enterprise in a totally residential area and the result of traffic. **Brad Stevens** stated that everyone needs to look at the “big picture”. He stated that if St. Stephens Church leaves the area we would not have control of what someone else could come in and do with the property. **Andrea Atwater** stated she is a Real Estate Agent and if the Discovery Place was placed in the area it would limit the buyers due to the congestion of the area. **Cliff Farah** stated that all the conversations have been centered around traffic coming into the area. He is concerned with the access leaving the area. He also stated that he has children and they ride their bikes in the area. Safety is an issue. **Tom Kolh** stated that he grew in the area and he is concerned with the potential traffic increase. He also stated that none of the kids drive to school; they will all be transported by parents. What if a parent is late to work, they will be speeding through the area.

**Daryl Crotts, DAB Member**, asked what minimum amount of children would still make it economically viable for the facility. **Dene Nelson** stated they have operated for the past 18 years with 11 classrooms. **Daryl** then asked if you had a cap of 50 children, would the project still be economically viable. **Dene** stated that she didn’t think so. **Sam Jones, Youth Member**, asked what the hours of operations would be. **Dene** stated the hours of operations would be 7:15 a.m. to 6:00 p.m. **Tom Zieker**, asked if this request is allowed, what do we do about the traffic. **Bill** stated the applicant would meet with the traffic engineer to see how they would control/slow the traffic flow. The traffic engineer would make those decisions. **Brad Stevens**, asked if the Church was planning on selling or moving from the current area. **Father Muse** stated that they have doubled their attendance the last two years and they are strong and viable. He also stated that if they are not able to grow their ministry, they would have discussions about potential relocation but that is not what they want to do.

**Councilman Member Schlapp** brought the discussion to the DAB. She thanked everyone for their civil discussion. **Max Weedle, DAB Member**, stated that he was concerned with the exit traffic between Rock Road and Central Avenue. He wanted to know if there can be warrants ran for a traffic count. He also stated that most developers buy their own stop lights. Maybe that can help with the traffic. **Larry Frutiger, DAB Member**, stated that there is a concern by right. He also stated that you have to be careful what you wish for. He stated that the Church could place a School there and we would not be having this meeting. **Chairman Joe Johnson** stated that he lives in Brook Hollow and has been there for as long as the Independent School and Kapaun Mt. Carmel School. He stated he has never complained about the traffic and his area. He thinks it is a good thing for the neighborhood. **Dave Mollhagen, DAB Member**, stated that this is the 1<sup>st</sup> Public Hearing for this case. He would like to see if a petition is signed for the individuals who live within 200 ft. of the potential site. He would like to see this

matter come back to what percentage is immediately affected. These people will be the most affected by the traffic. He would like to see what that percentage is. **Councilman Member Schlapp** asked Bill Longnecker how they were doing on time in terms of a decision from the DAB. **Bill** stated that they would have two weeks to protest following the MAPC Meeting. The Planning Commission does not have to have this matter come back before the DAB. This matter could go straight to the Council.

**Recommendation:** Motion approved (8-1) to defer the item to allow both sides an opportunity to come up with a **compromise** that works for everyone involved.

#### 4. **CON2008-00020**

**Bill Longnecker**, provided information in reference to Conditional Use for a nursery and a garden center. The applicant is requesting a Conditional Use to establish tree storage for a nursery and garden center business, Tree Guys Landscaping. The subject site is located on the northwest corner of the intersection of East Harry Street and South Greenwich Road. The property is zoned LC Limited Commercial (“LC”). The applicants have been contacted by the Office of Central Inspection for operating the existing use at this location without a Conditional Use permit. A nursery and garden center can operate in the LC zone district with a Conditional Use permit, but such use will also have to abide by the eleven (11) Supplementary Use Regulations found in the Unified Zoning Code (“UZC”) in Section III-D.6 (z)

Property to the north is zoned SF-5 Single-family Residential (“SF-5”), SF-20 Single-family Residential (“SF-20”) and GO General Office (“GO”) developed with a residence and offices. Property to the south is zoned LC and is developed with a bank, strip store and some vacant commercially zoned land. Property to the east is zoned LC and is currently developed with a farmstead. Property to the west is zoned LC, SF-5, and SF-20 and is currently vacant commercially zoned land and agricultural land.

The site plan submitted with the application shows the location of the proposed tree storage within the subject site and the orientation of the access and driveways through the site. The site plan does show the location of the two signs on each frontage and the possible location of a small stone pile. However, the applicant will have to modify this site plan to show the location of a possible storage container. Since this site will primarily be used for tree storage, with no buildings for retail sales and no customers, staff feels that there will not be a need for off-street parking. However, according to Section III-D.6 (z) #10, due to the type of business, the amount of off-street parking and loading spaces based on the gross floor area of buildings could be inappropriate. Also, the applicant will have to provide an all-weather surface for the drive aisles and loading areas to prevent tracking mud or other such debris onto Harry Street and Greenwich Avenue. The Planning Commission may have the final determination on the type of road surface and number of parking and loading spaces required for the use, if the Commission deems it necessary.

**Recommendation:** Motion approved (9-0) to approve Planning Departments recommendation.

**5. Wichita Fire Department**

Chief Ron D. Blackwell provided presentation in reference to Fire Station #20 and File of Life Program. In August of 2000, the City Council adopted the Fire Station Construction and Relocation Study. The Study, performed by the TriData Company, recommended a multi-year plan to construct ten fire stations. Under the plan, some stations would be relocated and some would be new. To date, six stations have been relocated.

On September 12, 2006, the City Council approved the construction of Stations 20, 21 and 22, adopted the Resolution and authorized staff to begin land acquisition activities.

On January 9, 2007, the City Council approved a contract with Hanney & Associates to perform the design services for Stations 20, 21 and 22.

On December 4, 2007, the City Council approved the acquisition of land at Hydraulic and Denker for Station 22.

On March 7, 2008 bids were received for Stations 20 and 21. National Contractors, Inc. was low bidder for Fire Station 20. Alcon and Associates was low bidder for Fire Station 21.

On April 11, 2008, groundbreaking for Fire Station 21 at 135<sup>th</sup> Street West and 21<sup>st</sup> Street North took place.

On April 18<sup>th</sup>, 2008 groundbreaking for Fire Station 20 at Harry and Greenwich took place.

On May 16, 2008 Formal bids for Fire Station 22 will be accepted.

**Analysis:** Stations 20 and 21 include a meeting room as part of their design, which is to be utilized to serve a dual function as a meeting room for the community and Department Operations Center (DOC). The meeting rooms were not included in the original CIP budgets. The rooms for both Fire Stations add an additional amount of \$525,408.

**Financial Considerations:** The Adopted 2007 through 2016 Capital Improvement Program (CIP) includes \$2.5 million in 2009 for Fire Station Construction/Relocation for the final station.

**Legal Considerations:** The Resolution has been approved as to legal form by the Law Department.

**Goal Impact:** Construction and staffing of these new Fire Stations will impact the Safe and Secure Community Goal. Specifically, the stations will address the maintained and/or improved response time's indicator.

The Wichita Fire Department in concert with Via Christi Home Care, Sedgwick County Fire Department and Sedgwick county EMS is initiating a new program called "File of Life." This program is designed for citizens in Wichita and surrounding communities in

Sedgwick County. The File of Life was developed to give emergency medical responders medical information that may be important when responding to an emergency in a person's home.

**Analysis:** The "File of Life" kit consists of a red plastic holder with a clear pocket on the front and a large magnet on the back. Inside this pocket is a File of Life sticker for the front door of the home, an instruction sheet and a medication wallet card. The sticker signals emergency responders as they enter the home that there is critical medical information about the homes occupants on the refrigerator. The health information sheet should be filled out by the occupant prior to placing it back in the folder on the refrigerator. These kits are distributed at all of the City fire stations and surrounding medical facilities.

**Financial Considerations:** No cost to the citizens for the File of Life kits.

**Legal Considerations:** None at this time.

**Goal Impact:** Participation in this program by the citizens of Wichita and surrounding area will enable the emergency medical responders to be alerted to medical information that may be important when responding to an emergency in a person's home.

**Recommended Action:** Receive and file.

## **6. Department of Parks and Recreation**

**Tim Martz, Parks and Recreation** provided presentation in reference to Arkansas River Corridor Access Plan. On February 5<sup>th</sup>, 2008, the City Council requested that the Arkansas River Corridor Access Plan (ARCAP) be taken to the District Advisory Boards (DABs) for additional public comment and exposure. The ARCAP will be taken back to City Council upon DAB review.

**Analysis:** The completion of this plan provides a general guideline and recommendations to the project partners for potential access point development within the City of Wichita and surrounding communities. Within the City of Wichita the plan identifies three recreational transitions for watercraft at the 21<sup>st</sup> Street "tubes", the 21<sup>st</sup> Street dam and the Lincoln Street dam. Two additional potential access points are identified as well at Herman Hill Park and Sim Park.

**Financial Considerations:** Currently there are no Capital Improvement Program (CIP) funds identified to execute any portion of the plan. This plan will be brought back to the City Council for future action in authorizing all or a portion of the plan to move forward with additional recreational opportunities as outlined in this report.

**Goal Impact:** The approval of this plan will enable the city and surrounding communities to enhance and improve the Quality of Life by creating recreational opportunities. The completion of this plan also increases the probability of future state and federal grant funding for river recreation projects.

**Legal Considerations:** None at this time.

**Recommendations/Actions:** Motion approved (8-1) to approve the ARCAP Plan.

**With no further business, the meeting was adjourned at 9: 55. The next DAB II meeting will be Monday June 16, 2008 at Hillside Christian Church.**

Respectfully Submitted,  
Antione Sherfield, Neighborhood Assistant

**Guest**

**Elizabeth and Daryl Roberts**

**Rick Gaskill**

**Cliff Farha**

**Kay Drennen**

**Susue Stallings**

**Lyndon Wells**

**Jane Link**

**Barbara Fizer**

**Margaret Way**

**Ken Mae**

**James Way**

**Ken Breeden**

**Brad and Diane Steven**

**Bobbi Hansen**

**Bob Hadley**

**Lawn Purinton**

**Mike Feemster**

**Leter Limon**

**Tom and Brenda Zieker**

**Rich Kilgour**

**Patricia Biermann**

**Dene Nelson**

**Bennett Gray**

**Karen and Dan Norton**

**Steve Muse**

**Sharon Kiser**

**Bill Jones**

**Pam Loveland**

**Melanie Shurden**

**Mercedes Harrod**

**Stephanie Steele**



**Alyson Stelle**  
**Helen Piper**  
**Bob Cornwell**  
**Elizabeth Flax**  
**Andrea Atwater**  
**Michael Allen**  
**Marilyn Giggs**  
**Kathy Cole**  
**Anthony Singer**  
**Tom Cole**  
**Phil and Fran Kottler**  
**Jim and Angela Ray**